IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4064 OF 2005

Dilip Ramarao Phalke ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri. R.S. Venegavkar for the Applicant.
Ms S.D. Shinde A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATED : JULY 12, 2005.

P.C.:

1. Heard Advocate appearing for the Applicant and learned A.P.P. for the State. Offence allegd against the Applicant and co-accused is under sections 498-A, 306 read with section 34 of the Indian Penal Code. The Applicant is the husband of the deceased.

2. The learned Advocate for the Applicant invited my attention to the statements of neighbours recorded by the police which show that there was no dispute between the Applicant and the deceased. He invited my attention to said statements for showing that the Applicant joined the neighbours in extinguishing fire. He therefore, submitted that the Applicant was not present in the house when the incident had taken place. He submitted that other statements are stereo-type statements of the relatives of the deceased.

3. The learned A.P.P. pointed out the material

against the Applicant submitted that there is evidence to show that there was constant demand for dowry at the instance of the Applicant and other relatives.

4. I have considered the rival submissions. It is true that the statements of the neighbours which are recorded do not indicate that there was any dispute between the Applicant and the deceased. However, there are at least five statements of the relatives of the deceased in which it is set out that there was constant demand for dowry and the Applicant used to harass the deceased. The stove in the residential house of the Applicant was found to be intact. Therefore, at this stage it is very difficult to accept that there was accidental fire in which the deceased sustained burn injuries. The Post Mortem Notes show that there were 100% burn injuries.

5. There is enough material on record to show the complicity of the Applicant in this stage. Hence, no case is made out for grant of bail. Application is rejected. If, Fast Track court is available which has power to try the case in question, the learned Sessions Judge will entrust the case to the Fast Track Court for ensuring the expeditious disposal of the case.

JUDGE